

MEMBERS PRESENT

Peg Birney
Brian Callahan
Tom Chang, Alternate
Thomas J. Knips, Chairman
Robert LaColla
Sheila Lahey
Robert J. Rahemba
Joel Sasser, Alternate
David Stenger

MEMBERS ABSENT**OTHER PRESENT**

John V. Andrews, Jr., P.E., Town Engineer
Maryann Johnson for J. Theodore Fink, Town Planning Consultant
John A. Morabito, Senior Planner, Town Planning Consultant
Scott L. Volkman, Esq., Town Planning Board Attorney
Jeff Kane, AICP
Scott Jerutis
Christopher Johnson
Dominic Broccoli
Eugene D. Ninnie, P.E.
Debbie MacNamee
Robert Spiak
Paul D. Trefz
Glennon J. Watson, L.S.
Matthew Horton, P.E.

The meeting was called to order at 7:00 p.m. by Thomas J. Knips, Chairman.

APRIL 27, 2006 PLANNING BOARD MEETING MINUTES

Mr. Knips stated the Chair will entertain a motion to adopt the April 13, 2006 Planning Board Meeting Minutes as amended. So moved by Mr. LaColla. Seconded by Mrs. Lahey. Motion carried.

NEW SUBMITTAL**CROSSROADS OF FISHKILL - SITE DEVELOPMENT PLAN AND SPECIAL USE PERMIT**

Mr. Kane stated that the Applicant is seeking approval for the construction of four (4) buildings = 48,890 S.F., consisting of 15 retail shops, a coffee shop with drive-thru, a restaurant, a bank with drive-thru lanes and associated site improvements. Mr. Kane stated that the parcel for this proposal is located on the east side of U.S. Route 9, between Snook Road and Van Wyck Lake Road, around the existing Hess Gas Station, in the GB (General Business) and R-40 Zoning Districts and consists of 10.47 acres. Mr. Kane stated all the work will take place within the GB Zoning District.

Mr. Kane stated that water and sewer would be obtained with a contract with the Town and the Village. Mr. Kane stated the proposal is that a pump station will be built to tie the entire site into the pump station into the existing force main. Mr. Kane stated there are no wetlands on the site.

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NEW SUBMITTAL
CROSSROADS OF FISHKILL - SITE DEVELOPMENT PLAN AND SPECIAL USE PERMIT
(CONTINUED)

Mr. Kane stated they have been able to maintain all the stormwater through a series of catch basins on the site.

Mr. Johnson stated he is the architect for this project and that they considered the surrounding architecture when designing these buildings. Mr. Johnson stated that they tried to use design elements reminiscent of successful retail both historic and new. Mr. Johnson stated they are utilizing the same color scheme on the exterior of the proposed buildings as the existing Hess Station. Mr. Johnson presented an architectural rendering and an elevation drawing. Mr. Johnson stated they have tried to vary some of the roof heights and elements. Mr. Johnson stated they are incorporating such elements as gabled roofing. Mr. Johnson stated they plan to separate the consumer traffic from the service traffic. Mr. Johnson stated they do have one (1) proposed drive-thru element on one (1) of the buildings.

Mr. Knips asked Mr. Johnson if he considered bringing the buildings closer to Route 9 so you see the buildings first rather than the parking lot. Mr. Johnson stated they have found that potential tenants like to have the cars actually seen in the parking lot. Mr. Johnson stated they do not want this to appear as sea of asphalt but they would like people to see that parking is available for them and can pull up and approach the center as opposed to not being able to see an available parking space that is in the rear of the building. Mr. Knips asked the first floor elevation compared to Route 9. Mr. Kane stated the building is a couple of feet higher than Route 9. Mr. Kane stated they will look into providing additional landscaping along Route 9 so that you won't see the cars.

Mr. Rahemba asked if the Hess Gas Station was made out of stone. Mr. Johnson stated it is actually brick and they did discuss the use of brick early on but they chose stone as they looked at some of the new developments and it appears that stone will fit in with the current architecture. Mr. Johnson stated they will use the stone as an accent so you are not looking at a typical strip mall.

Mr. LaColla made a motion that the Board accept the application and refer it to the Town Engineer, Town Municipal Development Director, Town Planning Consultant, Town Planning Board Attorney, Town Building Inspector, Town Environmental Advisory Board, Dutchess County Department of Planning & Development, New York State Thruway Authority, New York State Department of Transportation and the Rombout Fire District for their review and comments. Seconded by Seconded by Mrs. Lahey. Motion carried.

Ms. O'Connell asked if she could submit a letter detailing her concerns as well as her husband's about this proposed project. The Board advised Ms. O'Connell to submit the letter to Mr. Colsey for the record.

REVIEW
RESUBDIVISION OF LOT I-104B, FILED MAP NO. 11351B
STADIUM PLAZA (F.K.A. WATERFRONT AT FISHKILL
PHASE VIA RETAIL PARCEL)
SUBDIVISION

Mr. Knips stated that he is recusing himself from this item, appointed Mrs. Lahey, Acting Chair and left the meeting room.

Mr. Colsey read Mr. Simone's letter to the Board dated May 11, 2006. Mr. Andrews reviewed the Resolution of Approval. Mr. Andrews suggested that the Board waive the final public hearing as there was no response from the general public at the preliminary public hearing.

Mr. LaColla made a motion to waive the final public hearing. Seconded by Mr. Rahemba. Mr. Knips abstained. Motion carried.

Mr. LaColla made a motion that the Board adopt the Resolution of Approval and that the Chairman sign it when it is ready. Seconded by Mr. Rahemba. Mr. Knips abstained. Motion carried.

SITE VISITS

Mr. Knips suggested that a site visit be performed at Extended Stay America. Mr. Andrews asked if the Board wanted him to be present. Mr. Knips asked if the consultants can charge an escrow account if they attend. Mr. Colsey stated that this particular project has been approved and has no pending conditions to be met so therefore the Town cannot charge the escrow account for the consultant fees.

Mr. Knips suggested that later in the afternoon would be a good time for a site visit to Extended Stay America. Mr. Knips stated that the Board will start with a visit to Extended Stay America and then schedule other site visits at a later time.

It was the consensus of the Board that a site visits would be conducted at Extended Stay America and Oasis Ministries on May 16, 2006 at 5:00 p.m. the site. Mr. LaColla advised Ms. Davis to send out an e-mail to the members reminding them of these site visits on Monday, May 15, 2006.

Mrs. Birney asked if the approved site plan is checked before a final certificate of occupancy is issued by the Building Department. Mr. Andrews stated he does check the approved site plan but not the landscaping. Mr. Andrews stated he is not aware of any open issues currently unless Mrs. Birney has a particular project in mind. Mr. Andrews stated he did make an applicant aware that we longer accept the drawings that indicate "Not for Construction" on them. Mr. Andrews stated he looks at the engineering items and assumes that the Building Inspector is looking at the rest of the site. Mr. Stenger stated then the Building Inspector is checking the landscaping; Mr. Colsey stated yes.

Mrs. Birney asked Mr. Colsey if the shields were checked on the lighting at Sunoco. Mr. Colsey stated yes and it appears that there is no light spillage.

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PUBLIC HEARING
JCN PROPERTIES, LLC - SITE DEVELOPMENT PLAN

The public hearing was called to order by the Board at 7:40 at p.m. Mr. Knips read aloud the Notice of Public Hearing.

Mr. Ninnie stated that James Nenni, the applicant, is seeking Site Development Plan approval for the legalization of as-built conditions. Mr. Ninnie stated that the parcel for this proposal is located at 1542 Route 52, in the GB (General Business) Zoning District and consists of 1.86 acres. Mr. Ninnie stated both lots are bisected by a screen fence.

Mr. Knips asked if there was anyone with questions, comments or concerns regarding this proposal.

Mr. Kalan asked what the uses will be for the building. Mr. Ninnie stated they are currently being used and they are simply legalizing the existing uses in the existing building.

Mr. Andrews stated this project has been before the Board for a considerable amount of time and most of the issues have been resolved. Mr. Andrews stated from an engineering standpoint he has no outstanding issues.

Mr. Colsey reviewed Mr. Morabito's memorandum to the Board dated May 10, 2006; a copy of this memorandum is attached to the original minutes. Ms. McNamee stated there is no heating in the garage. It is not an office; it is storage space. Mr. Ninnie stated the confusion may be that there was a sign indicating office space for rent in close proximity to the garage. Mr. Colsey stated he understands a picture window was added to the garage, Mr. Ninnie stated that is to let natural light in.

Mr. Andrews stated this site has functioned for years and the building used to be a house and it was converted. Mr. Andrews stated the parking layout that is there works and he has not been to the site when it's been full. Mr. Andrews stated he does agree with Mr. Morabito on the parking calculation but the parking as it is built works. Mr. Andrews recommended that the Board accept the parking as shown on the as-built drawing. Mr. Colsey stated as to the parking's functionality there haven't been any issues brought to his attention.

Mr. Knips asked if there were any further questions, comments or concerns regarding this proposal. There was no response from those in general attendance.

Mr. LaColla made a motion to close the public hearing at 7:53p.m. Seconded by Mrs. Lahey. Motion carried.

Mr. LaColla made a motion that a Resolution of Preliminary and Final Approval - Site Development Plan be prepared for review at the May 25, 2006 Planning Board meeting. Seconded by Mrs. Lahey. Motion carried.

Mrs. Birney stated she is concerned with Mr. Morabito's memorandum concerning the garage being converted to an office as his memorandum does not indicate that he actually visited the site. Mr. Colsey stated Mr. Morabito did contact him and indicated that he did perform a site visit. Mrs. Birney suggested that Mr. Morabito write a memorandum indicating that he did perform a site visit.

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PUBLIC HEARING
JCN PROPERTIES, LLC - SITE DEVELOPMENT PLAN
(CONTINUED)

Mr. Ninnie stated there was a garage door there and when the sites were combined the access to the garage was moved to the back so the picture window was added to let the light in the front rather than having the garage door. Mr. Ninnie stated the space is used as storage space and is not used as tenant space.

Mr. Knips appointed Mr. Sasser to the Board as Mrs. Birney had to leave the meeting early.

REVIEW
MCDONALD'S RESTAURANT - AMENDED SITE DEVELOPMENT PLAN

Mr. Andrews reviewed his memorandum to the Board dated May 11, 2006; a copy of this memorandum is attached to the original minutes.

Mr. Spiak stated that they have removed any references to signage from this application at this point and have no plans to go to the ZBA at this time. Mr. Spiak stated they want to perform the site improvements as soon as possible so that they can be completed prior to Home Depot's Grand Opening. Mr. Spiak stated the beam lighting on the roof is not being removed at this time as they would like to keep them.

Mr. Knips asked Mr. Colsey to pull the memorandum from Dutchess County Department of Planning regarding the beam lighting on the roof as the Board is concerned as well with this lighting.

Mr. Stenger stated the signage was removed but the lighting on the roof hasn't been removed. Mr. Knips stated they would like to keep the lit roof beams. Mr. Stenger asked Mr. Spiak if the signage was removed to speed up the process. Mr. Spiak stated the owners want to put some money back into the building and are making their best effort to match the Home Depot. The signage as it exists will remain.

Mr. Knips stated he has looked at other McDonald's in the area and doesn't always find the lit roof beams and world wide it doesn't seem to be a recent theme. Mr. Knips stated he understands that it is an identifiable feature but he doesn't feel the lit beams add to the architecture of the building itself and doesn't see the need to retrofit the lit beams back onto the building. Mr. Knips stated Dutchess County Planning and Development wants this Board to ensure that the roof beams are not internally lit.

Mr. Stenger asked if the lighting is part of the architecture and asked if it was removed if the applicant could move this forward and address it later on. Mr. Stenger asked if they can go to another Board for an interpretation. Mr. Knips asked if this lighting violates the code; Mr. Colsey stated he would suggest it does not. Mr. Colsey stated he sees this as a subjective review.

REVIEW
MCDONALD'S RESTAURANT - AMENDED SITE DEVELOPMENT PLAN
(CONTINUED)

Mr. Volkman stated that he pointed out previously that the definition of exterior lighting in § 150-29 A. of the Town Code reads, "All exterior lighting in connection with all buildings, signs or other uses shall be directed away or shielded from adjoining streets and properties and shall not cause any objectionable glare observable from such streets or properties. Hours of lighting may be limited by the Planning Board in acting on any site plan."

Mr. Volkman stated this is part of an amended site plan process and the Board has the authority to consider all elements even though the applicant is not changing them.

Mr. Colsey stated you are not really seeing the light on the roof, you are seeing an illumination. Mr. Knips asked if there is a solid shield above the fluorescent tube; Mr. Spiak stated yes it is an opaque shield which elevated about 2" from the fixtures.

Mr. Knips asked what the current onsite lighting consists of as he is hearing that with the current site lighting you can't tell the roof is even lit. Mr. Andrews stated there are short pole lights and most of them have a directional alignment to them. Mr. Andrews stated if you look at the McDonald's lighting it is all unique and directed toward McDonald's.

Mr. Knips asked what the lit beams are going to look like with the new roofing as he is concerned it will be more reflective.

Mr. Stenger asked, can't the Board treat the lighting the same as the signage with the sunset provision? Mr. Knips stated he just can't see the lit beams as being consistent with the new Home Depot and the Hess Station across Route 9.

Mr. Knips stated the lit roof beams clearly don't say this is blending in with the area at all. Mr. Sasser suggested changing the color of the shield to green to match the roof. Mr. Andrews stated they do have a proposal to soften and use a sandstone color on the building. Mr. Andrews stated maybe it would be less offensive to use the sandstone color on the shields. Mr. Sasser agreed with Mr. Andrews and stated he compares this almost to landscaped lighting. Mr. Sasser stated when he is getting off the highway he wants to see something identifiable and when you see this type of roof you know it's a McDonald's. Mr. Sasser stated that this type of roofing, in his opinion when lit subtly, is attractive.

Mr. Trefz stated with all due respect without the roof lighting he will look like an Outback Steakhouse. Mrs. Lahey stated the off-white or green color if used on the shields would be helpful. Mr. Trefz stated the lit roof beams are going to appear subtle.

Mr. Stenger stated the Board should give some consideration to the Applicant as he is trying to upgrade the building and the Board is struggling with the new sign code and the Applicant could actually leave it the way it is now. Mr. Spiak stated with the loss of the large identification sign the lit roof beams are necessary.

REVIEW
MCDONALD'S RESTAURANT - AMENDED SITE DEVELOPMENT PLAN
(CONTINUED)

Mr. LaColla stated the Board is bound by the laws that are in place and it seems that this roof is a trademark which makes it a sign which is not allowed but he agrees with Mr. Stenger that there are other improvements being made and if the lit roof beams are toned down we can put them under the sunset provision.

Mr. Knips asked Mr. Trefz to consider softening the shields and to bring in what the lumens are for the current roof fixture and the proposed roof fixtures. The Board agreed with Mr. Knips that softening the shields is acceptable for the beams on the roof.

Mr. Andrews suggested a better quality photo be brought in to the Board showing the roof lit at night as well as during the day. Mr. Trefz stated they will provide such a photo.

Mr. Andrews stated the key element in Dutchess County's memorandum is that this Board rely upon its own study of the facts in the case with due consideration of County's comments.

Mr. LaColla made a motion that a Resolution of Preliminary and Final Approval be drafted for review at the May 25, 2006 Planning Board meeting. Seconded by Mr. Rahemba. Motion carried.

REVIEW
OASIS MINISTRIES - AMENDED SITE DEVELOPMENT PLAN & SPECIAL USE PERMIT

Mr. Andrews reviewed his memorandum to the Board dated May 11, 2006; a copy of this memorandum is attached to the original minutes.

Mr. Andrews stated the Board can entertain a motion to prepare a Amended Site Development Plan and Amended Special Use Permit Approval for review at the May 25, 2006 Planning Board. So moved by Mr. LaColla. Seconded by Mrs. Lahey. Motion carried.

Mr. McEwing of 222 Snook Road asked if there is public input on this. Mr. Andrews stated the Board held a public hearing on this amendment which was opened and closed on December 8, 2005. Mr. McEwing stated he is very concerned with the drainage. Mr. Knips suggested that if Mr. McEwing has concerns that he contact the Building Department as the public comment period was closed on December 8, 2005. Mr. Colsey stated Mr. McEwing has contacted the Building Department and believes his concerns have been addressed.

Mr. Andrews stated if the Board desires he can meet with Mr. McEwing and the Applicant's engineer, Mr. Watson to address the concerns. Mr. Knips stated the issue here was the amendment for the NYSPEDS permit and that is why the elevation of the school had to be changed.

Mr. Stenger asked if the raising the elevation would change the amount of flow going through the site. Mr. Andrews stated no.

REVIEW
QUALITY INN HOTEL - SITE DEVELOPMENT PLAN AND SPECIAL USE PERMIT
CLEARING AND GRADING

Mr. Andrews reviewed his memorandum to the Board dated May 11, 2006; a copy of this memorandum is attached to the original minutes.

Mr. Andrews stated Mr. Volkman pointed out that in condition number 3 of the resolution that this is a combination of activities being performed and that the words grading, filling and stockpiling be added.

Mr. Colsey reviewed the Clearing and Grading Resolution of Approval and indicated that the revision dates and number be changed.

Mr. LaColla made a motion that the Board adopt the Resolution of Approval as amended during the course of discussion this evening. Seconded by Mr. LaColla. Motion carried.

Mr. LaColla made a motion to close the meeting at 8:55 p.m. Seconded by Mr. Rahemba. Motion carried.

Respectfully submitted,
Debbie Davis
Planning Board Secretary

Attachments to the original minutes

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